

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the
Southern District of TexasUnited States District Court
Southern District of Texas
FILED

SEP 18 2020

David J. Bradley, Clerk

United States of America
v.
GILBERTO MOLINA (1944 - USC)
ALFREDO GONZALEZ (1947 - USC)
ALVARO RODRIGUEZ (1967 - MXC)Case No. *M-20-1895-M**Defendant(s)*

SEALED CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of August 26, 2020 in the county of Hidalgo in the
Southern District of Texas, the defendant(s) violated:*Code Section*
18 U.S.C. § 1201(c)*Offense Description*
Conspiracy to commit kidnapping

This criminal complaint is based on these facts:

See Attachment "A"

☒ Continued on the attached sheet.*Approved on September 18, 2020 by AUSA Kristina Pekkala**/s/ Kyle O'Neal**Complainant's signature*

Kyle O'Neal, Special Agent, FBI

*Printed name and title*Sworn to and executed by reliable electronic means, sworn to
Printed name and title and attested to by telephone per Fed. R. Cr.
P. 4.1, and probable cause found on:Date: 09/18/2020 9:40 p.m.City and state: McAllen, Texas*Pete E Ormsby**Judge's signature*

Honorable Peter Ormsby

Printed name and title

Attachment "A"

Affidavit in Support of Complaint

I, Kyle O'Neal, being first duly sworn, state as follows:

1. On August 26, 2020, investigators with the FBI met with a Confidential Informant ("CI") who told Agents that the CI had been asked to help with a plot to kidnap and kill J.V. The CI explained that GILBERTO MOLINA (hereafter referred to as MOLINA) and ALFREDO GONZALEZ (hereafter referred to as GONZALEZ) wanted to kidnap J.V. so that they, and others, could seize control of a marble quarry that J.V. owned in Mexico. The CI told Agents that MOLINA and GONZALEZ wanted the CI to lure J.V. to Mexico. Once in Mexico, MOLINA and GONZALEZ explained that unnamed co-conspirators would confine and kidnap J.V., and that the unnamed conspirators would force J.V. to sign over rights to his marble quarry. MOLINA and GONZALEZ explained that J.V. would be killed after the steps required to transfer ownership of the quarry were complete.

2. On September 8, 2020, MOLINA called the CI and asked the CI to come to MOLINA's house so they could meet. The CI travelled to MOLINA's residence in Mission, Texas and recorded the subsequent conversation. The CI asked MOLINA if he was still interested in the plan to kidnap J.V. that they had previously discussed. As a ruse, the CI told MOLINA that he had recently become aware that J.V. was in Mexico working at a ranch owned by one of the CI's friends and that J.V. would be there for a period of several weeks. MOLINA agreed to use this opportunity to proceed with the kidnapping. MOLINA explained it would be easier to carry out the plan to kidnap J.V. in Mexico, rather than in the United States. MOLINA said that he had a contact who could go down to Mexico and take care of J.V. at any time. MOLINA also stated that he already had a contact in Mexico that would handle all the paperwork to complete the legal transfer of the quarry to MOLINA and the other conspirators. MOLINA and the CI discussed the possibility of having J.V. being confined and held against his will at the ranch in Mexico that MOLINA believed J.V. to be present at, until both the legal transfer of the quarry was complete and until MOLINA's contact could get to J.V. to take care of him.

3. The CI asked MOLINA how the CI's friend at the ranch where J.V. was working would be paid if they were to agree to hold J.V. against his will, and kidnap him. MOLINA stated that he knew of an individual who had experience running quarries. Once the quarry had been transferred to their control, MOLINA explained that this individual with quarry experience would

handle all operations of the marble quarry in exchange for an 80% cut of the quarry's income. MOLINA explained further that the remaining 20% of the income would be used to pay MOLINA, CHINO, MOLINA's contact who would prepare the legal documents to transfer the marble quarry, the CI, the CI's friend with the ranch in Mexico, and MOLINA's contact who would ultimately kill J.V.

4. At the end of the conversation, the CI and MOLINA discussed the fact that J.V. would need to be killed after signing over his property. MOLINA stated that that was what MOLINA's friend was for.

5. On September 10, 2020, MOLINA called the CI. The CI met with MOLINA, GONZALEZ, and ALVARO RODRIGUEZ (hereafter referred to as RODRIGUEZ) at MOLINA's residence. This meeting was recorded. GONZALEZ and MOLINA provided the CI information on the location of J.V.'s quarry. RODRIGUEZ advised he was working with his contacts in Mexico to help with preparing the paperwork. GONZALEZ stated that once the paperwork was ready, MOLINA's friend would pick up J.V. from the ranch and get rid of him and that if MOLINA's friend had to pick up J.V. in the United States, it would cost more money. During the meeting, the parties told the CI that the group would pay the CI's friend in Mexico with the ranch to kidnap and confine J.V. against his will.

6. During that same meeting on September 10, 2020, RODRIGUEZ stated that he was working on getting the exact location of J.V.'s quarry and that his contact in Mexico had access to look up property information. During the meeting, RODRIGUEZ discussed details about J.V.'s quarry with an unnamed co-conspirator over the telephone. RODRIGUEZ told the group that he needed J.V.'s full name to provide to a lawyer in Mexico. RODRIGUEZ advised the group that they needed to be careful about how they communicate because RODRIGUEZ did not want to go to prison.

7. On September 16, 2020, MOLINA picked up GONZALEZ and drove GONZALEZ to MOLINA's house so that MOLINA, GONZALEZ, and the CI could meet to further discuss the details of the kidnapping plot. The CI told MOLINA and GONZALEZ that he needed \$1,000 to pay his friend in Mexico to hold J.V. at the ranch. MOLINA told the CI that he would provide the money the following day.

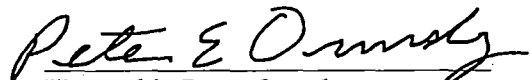
8. On September 17, 2020, the CI met with MOLINA at MOLINA's residence. MOLINA provided \$1,000 cash to the CI for the purpose of paying his contacts in Mexico to detain J.V. at the ranch.

9. Based on the affiant's training and experience, the affiant does know that a cellular phone is a means, facility, and instrumentality of interstate commerce. Additionally, the affiant knows through the course of the investigation, that the marble quarry that the conspirators, both named and unnamed, are seeking to acquire through kidnapping J.V., operates in foreign commerce.

10. Based on the aforementioned factual information, your Affiant respectfully submits that MOLINA, GONZALEZ, and RODRIGUEZ did commit a violation of Title 18, United States Code Section 1201 (c), in that they conspired to kidnap J.V. using a means, facility, and instrumentality of interstate commerce.

/s/ Kyle O'Neal
Kyle O'Neal
Special Agent
Federal Bureau of Investigation

Sworn to and subscribed before me this 18th day of September, 2020.


Honorable Peter Ormsby
United States Magistrate Judge